



RE: Wallace Yard and Spur Lines Site - Final CD and SOW

Trueblood, Craig to: Wurtzler, Gail, Darrell.Early, Clifford Villa
Cc: "Lawrence, Robert", "Lietz, Denise", Sarah.Himmelhoch

08/11/2009 10:07 AM

1 attachment



DEQ Letter re BPRP === 02-12-09.pdf

That is how I interpreted your letter from back in February, Darrell.
That in general DEQ did not want anything to do with work in non-residential areas along the former Spur Lines.

-----Original Message-----

From: Wurtzler, Gail [mailto:Gail.Wurtzler@dgsllaw.com]
Sent: Tuesday, August 11, 2009 9:52 AM
To: Darrell.Early@deq.idaho.gov;
Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; Trueblood, Craig; Lietz, Denise;
Sarah.Himmelhoch@usdoj.gov
Subject: RE: Wallace Yard and Spur Lines Site - Final CD and SOW

Darrell,

Earlier, the railroads had suggested that DEQ perform all of the Spur Line ROW work and be reimbursed. DEQ rejected that concept and wanted to limit its work and the reimbursement funding to residential yards. The railroads thus agreed to fund residential yard testing and cleanups only. In addition, the railroads, not DEQ, would perform work on the common use areas identified in the EE/CA. This is the reasoning for Comment # 3 and why the scenario you just described does not apply.

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-----Original Message-----

From: Darrell.Early@deq.idaho.gov [mailto:Darrell.Early@deq.idaho.gov]

Sent: Tuesday, August 11, 2009 10:29 AM
To: Wurtzler, Gail; Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; craig.trueblood@klgates.com;
denise.lietz@klgates.com; Sarah.Himmelhoch@usdoj.gov;
Nicholas.Zilka@deq.idaho.gov;
Rob.Hanson@deq.idaho.gov
Subject: RE: Wallace Yard and Spur Lines Site - Final
CD and SOW

Response to Comment # 3. The term "residential"
should not be added as
a limitation to the RR's obligations under paragraph
11. The reason the
BPRP definition is not so limited is because the BPRP
remediates any
property that requires remediation for the type of
use it is being put.
i.e. any potential for Human Health Exposure. Thus
we remediate day
cares, parks, and other properties that are not
"residential." I
cannot see why, if there is contamination associated
with the ROW on a
property that requires remediation under the BPRP
(residential or not),
it should not be funded by the RR's.

Darrell G. Early, Deputy Attorney General Office of
the Idaho Attorney
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-----Original Message-----

From: Wurtzler, Gail [mailto:Gail.Wurtzler@dgsllaw.com]
Sent: Friday, August 07, 2009 10:06 AM
To: Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; craig.trueblood@klgates.com;
denise.lietz@klgates.com; Darrell Early;
Sarah.Himmelhoch@usdoj.gov
Subject: Wallace Yard and Spur Lines Site - Final CD
and SOW

Cliff,

Earlier this week, I looked at the final versions of
the CD and SOW that
you sent on July 31. I noted a few minor corrections:

1. SOW - The word "areas" was inadvertently
dropped when the change
in section 2.1.7.5 on page 8 was made. A PDF of page
8 showing this
correction is attached.

2. CD - page 10 - the insert "of CERCLA" was put
in the wrong
place.

3. CD - page 13 - in light of your determination that the word "residential" should not be inserted in the definition of BPRP on page 3, paragraph L, we need to be clear that the BPRP work the railroads will fund is for residential yards. We should add the word "residential" on page 13 in paragraph 11 and 11.a as shown on the attached PDF of that page.

4. CD - page 26 - period needs to be added at the end of the first sentence in paragraph 48.

PDFs of these CD pages are attached.

Please call or email if you wish to discuss or if the PDFs with these comments/edits are not clear. Thank you.

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